## **Proposal to Amend** the North Coast Basin Plan by **Establishing Exception Criteria** to the **Point Source Waste Discharge Prohibitions**

Public Workshop

January 8, 2009

North Coast Regional Water Board Staff



## Purpose of Workshop

- Scope of proposed Basin Plan Amendment
  - Establish Exception Criteria for Point Source Waste Discharge Prohibitions
  - AKA "Low Threat Discharge Amendment"
- Need for proposed Amendment
- Framework of proposed Basin Plan Amendment
- Overview of draft Basin Plan Action Plans
- Summary status of two related permits that will implement proposed Amendment
- Receive comments on proposed Amendment January 8, 2009



## Scope of Basin Plan Amendment

Proposed exception criteria applies if discharge meets all the following conditions:

- To surface water in the North Coast Region
- From a point source
- Covered under Water Board issued permit
- A "low threat" to water quality



## **Definition of Low Threat Discharge**

# Discharge may be eligible for consideration as low threat if:

- It meets all applicable water quality objectives;
- It does not cause adverse effects to beneficial uses of water, or cause a nuisance; and if
- The volume, discharge rate, and pollutant load are minimized.



#### **Need for Basin Plan Amendment**

- Discharges subject to proposed amendment are presently occurring.
  - Often no alternative exists
  - Integral to community activities
- To address conflicts between Basin Plan point source waste discharge prohibitions and existing statewide permits and policies
  - State Recycling Policy
  - Statewide general permits



## **Existing Point Source Prohibitions**

Point source waste discharge, except as stipulated in state plans or the Basin Plan, are prohibited:

- Year-round (Klamath River Basin, coastal streams)
- Seasonally (Mad, Eel and Russian Rivers)
  - Dry weather discharge prohibition
  - Discharge flow rate limitation (1% of stream flow)



#### **Amendment Framework**

#### **Basin Plan Amendment**



- Intentional and incidental discharge from a permitted storm drain system
- Implemented through Water Board Permit

## Develop New Low Threat Action Plan

- Other intentional discharge to surface water
  - Implemented through Water Board Permit



Applies to discharges from municipal and industrial storm water drainage systems (point source) that are:

- In compliance with water quality standards
- Covered under, and in conformance with, a Water Board issued permit



## Examples of discharges addressed under Storm Water Action Plan:

- Storm water runoff
- Incidental runoff from irrigation (recycled/potable)
- Emergency releases from drinking water supply systems
- Drain discharges from foundations, footings, etc.
- Dechlorinated/debrominated pool discharges
- Non-commercial car washing, sidewalk rinsing
- Emergency fire fighting flows
- Fire hydrant testing or flushing



Discharges of storm water and certain categories of (intentional) low-threat non-storm water flows from permitted storm water conveyance systems are not subject to point source waste discharge prohibitions if:

- Discharge is managed in conformance with the applicable Water Board permit;
- Does not cause adverse effects on the beneficial uses of water; and
- The approved general management program is implemented to eliminate/minimize non-storm water discharges into surface waters.



Discharge of *incidental* low threat non-storm water from permitted storm water conveyance systems are not subject to point source waste discharge prohibitions if:

- It is not the result of poor maintenance or design of infrastructure;
- No feasible alternative(s) exist; and
- The approved management plan identifying best management practices is implemented.



## **Low Threat Action Plan**

# Applies to all other intentional discharges that are:

- From a point source to a surface water.
- In compliance with water quality objectives
- Covered under, and in conformance with, a Water Board issued permit.



## **Proposed Low Threat Action Plan**

#### Examples of activities addressed under proposed Low Threat Action Plan

- Construction dewatering
- Installation, maintenance of water supplies
- Hydrostatic testing, maintenance of potable water supply vessels, pipelines, tanks, reservoirs, etc
- Hydrostatic testing of newly constructed pipelines, tanks, reservoirs, etc. used for purposes other than potable water supply
- Dredge spoils dewatering



## **Proposed Low Threat Action Plan**

## Low-threat point source discharges may be exempted from point source prohibitions if:

- 1. It does not adversely affect beneficial uses or cause a nuisance.
- 2. It complies with water quality objectives.
- 3. Best practicable treatment is implemented.
- 4. No feasible alternative to the discharge exists.
- 5. It is limited to increment of wastewater remaining after implementation of all reasonable alternatives.
- 6. It is regulated by, and in conformance with, a Water Board issued permit.



## **Amendment Schedule**

- CEQA Scoping (2005 & 2007)
- Release of Draft Amendment and Staff Report (11/20/08)
- Public Solicitation Period (11/20/08 1/29/09)
  - Extended from January 15 to 29<sup>th</sup>
- Public Workshop (1/8/09)
- Final Documents Released (2/20/09)
- Regional Water Board Hearing (tentative 3/12/09)
- SWRCB hearing (6 months after RWB approval)
- OAL review, EPA approval



#### **Amendment Framework**

#### **Basin Plan Amendment**



Revise Existing
Storm Water Action Plan

Develop New
Low Threat Action Plan

Muncipal Stormwater Permit(s) Low Threat General Permit



## **Municipal Storm Water Permits**

- Phase I Communities over 100,000 population
  - Individual Permit
  - Ex. Santa Rosa and Sonoma County
- Phase II Communities over 10,000 population
  - General Statewide Permit
  - Ex. Healdsburg, Sebastopol, Ukiah, Fort Bragg, Arcata, Eureka



## Proposed Municipal Storm Water Permit

- Santa Rosa, Sonoma County and Water Agency
- Non-storm water discharges
  - Municipality submits Best Management Practices (BMP) plan to reduce/eliminate water quality impacts associated with specific non-storm water discharges
  - Executive Officer grants authorization to municipality
  - Emergency firefighting flows exempt



## **Proposed Municipal Storm Water Permit**

#### Schedule for permit development:

- First draft released: September 9, 2008
- Comment period ended: October 22, 2008
- Next draft and comment period: February 2009
- Consider for adoption: June 4, 2009



#### Overview of proposed permit

- Implements provisions of the proposed Basin Plan amendment
- Replaces existing construction dewatering permit
- Applies to discharges to surface waters
- Disposal alternatives must be evaluated/exhausted before surface water discharge is allowed
- Discharges may not contain pollutants in concentrations above applicable water quality objectives



#### Elements of proposed permit:

- Detailed application (Notice of Intent)
- Permit provisions to ensure protection of surface waters
- Public notice period for each applicant and notification of specific agencies
  - Wildlife Agencies
  - Flood Control Agency
- Monitoring and reporting



# Proposed permit would require submittal of Notice of Intent (NOI):

- Evaluate disposal alternatives
- Characterize discharge
  - Pumping projects involving groundwater:
     evaluate known groundwater contamination sites, as applicable, within a ½ mile
- Characterize receiving water
- Best Management Practices (BMP) Plan



# Proposed Low Threat General Permit Schedule:

- Draft to be released: January 2009
- 30-day public comment period
- Adoption hearing scheduled: Spring 2009



## **Proposed Basin Plan Amendment**

#### Next steps for proposed Basin Plan Amendment

- Written comments due to RWB by January 29, 2009
- Final Documents Released (2/20/09)
- Regional Water Board Hearing (tentatively 3/12/09)
- SWRCB hearing (6 months after RWB approval)
- OAL review
- EPA approval



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